

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SAMUEL F. VALDEZ,

Plaintiff,

v.

JASON BENNETT,

Defendant.

CASE NO. 3:24-cv-05168-DGE-

BAT

ORDER ON PENDING MOTIONS  
(DKT. NOS. 34, 35, 36, 37, 39, 40)  
AND REQUSET FOR DOCKET  
UPDATE (DKT. NO. 38)

On June 4, 2024, this Court adopted the Report and Recommendation of Magistrate Judge Brian A. Tsuchida and dismissed this matter with prejudice. (Dkt. No. 15.) On July 15, 2024, the Court ordered Petitioner's motions for relief from judgment (Dkt. Nos. 18, 20, 22, 26, 27, 29) be denied and his motion requesting records (Dkt. No. 30) be denied (Dkt. No. 31 at 4).

Currently pending are six additional motions: a motion to appoint counsel (Dkt. No. 34); a motion to request to clear deficiency in a previously denied motion for relief (Dkt. No. 35); a motion to order respondent Jason Bennett to respond to the already-denied habeas petition (Dkt. No. 36); a motion requesting discovery (Dkt. No. 37); a motion requesting production of the

1 record (Dkt. No. 39); and a motion requesting records (Dkt. No. 40). Petitioner also submitted a  
2 request for docket update. (Dkt. No. 38.)

3 As this Court previously noted in denying Petitioner’s motions for relief, this batch of  
4 filings is repetitive, duplicative and appear to again be “fill-in-the-blank” style filings—in many  
5 instances, containing details about the procedural history of this case that are simply false. For  
6 example, Petitioner’s motion to appoint counsel states this Court granted Petitioner leave to  
7 proceed in forma pauperis, thus establishing a predicate for the appointment of counsel (Dkt. No.  
8 34 at 1), when in reality, the Court denied Petitioner’s motion to proceed in forma pauperis.

9 This Court already reviewed the merits of these requests and denied them. Petitioner’s  
10 application to prosecute in forma pauperis was denied. (Dkt. No. 6.) Petitioner is therefore not  
11 entitled to the appointment of counsel, nor entitled to compel a response from Respondent, nor to  
12 have the United States furnish records pursuant to 28 U.S.C. § 2250. Many of the new pending  
13 motions contain a cover sheet in which Petitioner explains he “did not receive confirmation” that  
14 the previous iterations of these motions were filed and attaches a copy of the previously denied  
15 motion. (*See, e.g.*, Dkt. No. 36, 39.) No such confirmation is required, and the motions were in  
16 fact properly filed and considered by the Court. (Dkt. No. 31.) To the extent Petitioner submits  
17 the same issues for reconsideration, such reconsideration is denied.

18 The Court previously warned that any future motions duplicative of previously denied  
19 motions will be stricken as the case is now closed. (Dkt. No. 31 at 2 n.1). The Court finds this  
20 new round of Petitioner’s form-based motions likewise duplicative and bordering on vexatious,  
21 given that Petitioner has filed fourteen motions since the close of this case in June, with many of  
22 them being substantively identical. Accordingly, and having considered Petitioner’s motions and  
23 the remainder of the record, the motions (Dkt. Nos. 34, 35, 36, 37, 39, 40) are DENIED and his  
24

1 request for docket update (Dkt. No. 38) is disregarded. The Clerk is directed to strike any new  
2 motions in this matter as this case is now closed.

3 Dated this 12th day of August 2024.

4   
5

6 

---

David G. Estudillo  
7 United States District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24